

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Debtor.

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) Chapter 11
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) Case No. 19-12239 (CSS)
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**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR
HEARING ON DECEMBER 2, 2019 AT 10:00 A.M. (EASTERN TIME)**

The hearing will be held at the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 5th Floor, Courtroom No. 6, Wilmington, Delaware 19801.

Any party participating telephonically should make arrangements through CourtCall by telephone (866-582-6878) or facsimile (866-533-2946), no later than 12:00 p.m., one (1) business day before the hearing.

MATTERS FOR WHICH COCS HAVE BEEN FILED

1. **Critical Vendors Motion** – Motion of Debtor for Entry of Interim and Final Orders (A) Authorizing Debtor to Pay Prepetition Claims of Critical Vendors and (B) Granting Related Relief [Filed: 10/16/19] (Docket No. 3).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) Limited Objection of the Official Committee of Unsecured Creditors to the Motion of Debtor for Entry of Interim and Final Orders (A) Authorizing Debtor to Pay Prepetition Claims of Critical Vendors and (B) Granting Related Relief [Filed: 11/12/19] (Docket No. 121).

Related Documents:

- a) [Signed] Interim Order (A) Authorizing Debtor to Pay Certain Prepetition Claims of Critical Vendors and (B) Granting Related Relief [Filed: 10/18/19] (Docket No. 40).

¹ The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

- b) Notice of Entry of Interim Order and Final Hearing on Motion of Debtor for Entry of Interim and Final Orders (A) Authorizing Debtor to Pay Prepetition Claims of Critical Vendors and (B) Granting Related Relief [Filed: 10/18/19] (Docket No. 50).
- c) Certification of Counsel Regarding Motion of Debtor for Entry of Interim and Final Orders (A) Authorizing Debtor to Pay Prepetition Claims of Critical Vendors and (B) Granting Related Relief [Filed: 11/25/19] (Docket No. 163).

Status: A proposed order has been filed under certification of counsel. The Debtor requests entry of the proposed order attached to the certification of counsel.

2. **OCP Motion** – Motion for an Order Authorizing the Debtor to Retain, Employ, and Compensate Certain Professionals Utilized By the Debtor in the Ordinary Course of Business [Filed: 10/29/19] (Docket No. 76).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) Informal comments from the UST.
- b) Limited Objection of the Official Committee of Unsecured Creditors to the Motion of the Debtor for an Order Authorizing the Debtor to Retain, Employ, and Compensate Certain Professionals Utilized By the Debtor in the Ordinary Course of Business [Filed: 11/12/19] (Docket No. 119).

Related Documents:

- a) Notice of Filing of Amended Exhibit B to Motion for an Order Authorizing the Debtor to Retain, Employ, and Compensate Certain Professionals Utilized By the Debtor in the Ordinary Course of Business [Filed: 11/7/19] (Docket No. 99).
- b) Notice of Filing of Second Amended Exhibit B to Motion for an Order Authorizing the Debtor to Retain, Employ, and Compensate Certain Professionals Utilized By the Debtor in the Ordinary Course of Business [Filed: 11/25/19] (Docket No. 162).
- c) Certification of Counsel Regarding Motion for an Order Authorizing the Debtor to Retain, Employ, and Compensate Certain Professionals Utilized By the Debtor in the Ordinary Course of Business [Filed: 11/26/19] (Docket No. 166).

Status: A revised proposed order has been filed under certification of counsel. The Debtor requests entry of the revised proposed order attached to the certification of counsel.

UNCONTESTED MATTERS

3. **PSZ&J Retention Application** – Debtor’s Application Pursuant to Section 327(a) of the Bankruptcy Code, Rule 2014 of the Federal Rules of Bankruptcy Procedure and Local Rule 2014-1 for Authorization to Employ and Retain Pachulski Stang Ziehl & Jones LLP as Counsel for the Debtor and Debtor in Possession *Nunc Pro Tunc* to the Petition Date [Filed: 10/29/19] (Docket No. 71).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received: Informal comments from the United States Trustee (the “UST”).

Status: The Debtor will file a supplemental declaration pursuant to an agreement with the UST. A revised proposed order will be filed under certification of counsel.

4. **Foreign Representative Motion** – Motion for Entry of an Order (I) Authorizing Bradley D. Sharp to Act as Foreign Representative Pursuant to 11 U.S.C. § 1505 and (II) Granting Related Relief [Filed: 10/29/19] (Docket No. 68).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received: None as of the date hereof.

Related Documents: None as of the date hereof.

Status: This motion is contingent on the grant of the DSI Retention Application and, accordingly, no order will be presented on that motion until the hearing.

5. **Committee Seal Motion** – Motion of the Official Committee of Unsecured Creditors for Entry of an Order Authorizing Filing Under Seal of the Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor’s (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for “Ordinary Course” Transactions [Filed: 11/12/19] (Docket No. 123).

Response Deadline: At the hearing.

Responses Received: None as of the date hereof.

Related Documents: None as of the date hereof.

Status: This matter will go forward.

MATTERS GOING FORWARD

6. **Seal Motion** – Motion of Debtor for Entry of Interim and Final Orders Authorizing Debtor to File Under Seal Portions of Its Creditor Matrix Containing Employee Address Information [Filed: 10/16/19] (Docket No. 8).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) United States Trustee's Objection to Motion of Debtor for Entry of Final Order Authorizing Debtor to File Under Seal Portions of Creditor Matrix Containing Employee Address Information [Filed: 11/12/19] (Docket No. 127).

Related Documents:

- a) [Signed] Interim Order Authorizing Debtor to File Under Seal Portions of Its Creditor Matrix Containing Employee Address Information [Filed: 10/18/19] (Docket No. 44).

Status: This matter will go forward.

7. **Foley Gardere Retention Application** – Debtor's Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP as Special Texas Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 10/29/19] (Docket No. 69).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) Informal comments from the UST.
- b) Limited Objection of Acis Capital Management, L.P. and Acis Capital Management GP, LLC to the Debtor's: (I) Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP as Special Texas Counsel, *Nunc Pro Tunc* to the Petition Date; and (II) Application for an Order Authorizing the Retention and Employment of Lynn Pinker Cox & Hurst LLP as Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 11/12/19] (Docket No. 116).
- c) Limited Objection of the Official Committee of Unsecured Creditors to the Debtor's Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP and Lynn Pinker Cox & Hurst as Special Texas Counsel and Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 11/12/19] (Docket No. 120).

Replies Filed:

- a) Debtor's Omnibus Reply in Support of (I) Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP as Special Texas Counsel, *Nunc Pro Tunc* to the Petition Date; and (II) Application for an Order Authorizing the Retention and Employment of Lynn Pinker Cox & Hurst LLP as Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 11/21/19] (Docket No. 159).

Related Documents: None as of the date hereof.

Status: This matter will go forward.

- 8. **Lynn Pinker Retention Application** – Debtor's Application for an Order Authorizing the Retention and Employment of Lynn Pinker Cox & Hurst LLP as Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 10/29/19] (Docket No. 70).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) Informal comments from the UST.
- b) Limited Objection of Acis Capital Management, L.P. and Acis Capital Management GP, LLC to the Debtor's: (I) Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP as Special Texas Counsel, *Nunc Pro Tunc* to the Petition Date; and (II) Application for an Order Authorizing the Retention and Employment of Lynn Pinker Cox & Hurst LLP as Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 11/12/19] (Docket No. 116).
- c) Limited Objection of the Official Committee of Unsecured Creditors to the Debtor's Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP and Lynn Pinker Cox & Hurst as Special Texas Counsel and Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 11/12/19] (Docket No. 120).

Replies Filed:

- a) Debtor's Omnibus Reply in Support of (I) Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP as Special Texas Counsel, *Nunc Pro Tunc* to the Petition Date; and (II) Application for an Order Authorizing the Retention and Employment of Lynn Pinker Cox & Hurst LLP as Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 11/21/19] (Docket No. 159).

Related Documents: None as of the date hereof.

Status: This matter will go forward.

9. **Cash Management Motion** – Motion of Debtor for Entry of Interim and Final Orders Authorizing (A) Continuance of Existing Cash Management System and Brokerage Relationships, (B) Continued Use of the Prime Account, (C) Limited Waiver of Section 345(b) Deposit and Investment Requirements, and (D) Granting Related Relief [Filed: 10/16/19] (Docket No. 5).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) [SEALED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor's (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for "Ordinary Course" Transactions [Filed: 11/12/19] (Docket No. 124).
- b) [REDACTED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor's (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for "Ordinary Course" Transactions [Filed: 11/12/19] (Docket No. 125).

Replies Filed:

- a) Omnibus Reply of the Debtor in Support of: (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for Ordinary Course Transactions [Filed: 11/21/19] (Docket No. 160).

Related Documents:

- a) [Signed] Interim Order Authorizing (A) Continuance of Existing Cash Management System, (B) Continued Use of the Prime Account, (C) Limited Waiver of Section 345(b) Deposit and Investment Requirements, and (D) Granting Related Relief [Filed: 10/18/19] (Docket No. 42).

Status: This matter will go forward.

10. **DSI Retention Motion** – Motion Pursuant to 11 U.S.C. §§ 105(a) and 363(b) to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, Additional Personnel, and Financial Advisory and Restructuring-Related Services, *Nunc Pro Tunc* as of the Petition Date [Filed: 10/29/19] (Docket No. 75).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time. Extended to November 13, 2019 for the UST.

Responses Received:

- a) [SEALED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor's (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for "Ordinary Course" Transactions [Filed: 11/12/19] (Docket No. 124).
- b) [REDACTED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor's (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for "Ordinary Course" Transactions [Filed: 11/12/19] (Docket No. 125).
- c) United States Trustee's Objection to Motion of Debtor Pursuant to 11 U.S.C. §§ 105(a) and 363(b) to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, Additional Personnel, and Financial Advisory and Restructuring Related Services, *Nunc Pro Tunc* as of the Petition Date [Filed: 11/13/19] (Docket No. 130).

Replies Filed:

- a) Omnibus Reply of the Debtor in Support of: (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for Ordinary Course Transactions [Filed: 11/21/19] (Docket No. 160).

Related Documents: None as of the date hereof.

Status: This matter will go forward.

11. **OCB Protocol Motion** – Precautionary Motion of the Debtor for Order Approving Protocols for the Debtor to Implement Certain Transactions in the Ordinary Course of Business [Filed: 10/29/19] (Docket No. 77).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) Limited Objection and Reservation of Rights of Jefferies LLC to Debtor's Motion for Order Approving Protocols for the Debtor to Implement Certain Transactions in the Ordinary Course of Business [Filed: 11/12/19] (Docket No. 117).
- b) [SEALED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor's (I) Motion for Final Order Authorizing Continuance of the

Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for “Ordinary Course” Transactions [Filed: 11/12/19] (Docket No. 124).

- c) [REDACTED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor’s (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for “Ordinary Course” Transactions [Filed: 11/12/19] (Docket No. 125).

Replies Filed:

- a) Omnibus Reply of the Debtor in Support of: (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for Ordinary Course Transactions [Filed: 11/21/19] (Docket No. 160).

Related Documents: None as of the date hereof.

Status: This matter will go forward.

- 12. **Venue Motion** – Motion of the Official Committee of Unsecured Creditors for an Order Transferring Venue of This Case to the United States Bankruptcy Court for the Northern District of Texas [Filed: 11/1/19] (Docket No. 86).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) Objection of the Debtor to Motion of Official Committee of Unsecured Creditors to Transferring Venue of This Case to the United States Bankruptcy Court for the Northern District of Texas [Filed: 11/12/19] (Docket No. 118).
- b) Acis’s Joinder in Motion to Transfer Venue [Filed: 11/12/19] (Docket No. 122).
- c) Response of the Debtor to Acis’s Joinder to Motion to Transfer Venue [Filed: 11/21/19] (Docket No. 158).

Replies Filed:

- a) Reply of the Official Committee of Unsecured Creditors in Support of Motion to Transfer Venue of This Case to the United States Bankruptcy Court for the Northern District of Texas [Filed: 11/21/19] (Docket No. 156).

- b) Acis's Reply in Support of Motion to Transfer Venue [Filed: 11/21/19] (Docket No. 157).

Related Documents:

- a) [Signed] Order Denying Emergency Motion to Shorten [Filed: 11/4/19] (Docket No. 88).

Status: This matter will go forward.

Dated: November 26, 2019

PACHULSKI STANG ZIEHL & JONES LLP

/s/ James E. O'Neill

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